



London Museum of Archaeology
1600 Attawandaron Road
London, Ontario
N6G 3M6

**NEWSLETTER OF THE LONDON CHAPTER,
ONTARIO ARCHAEOLOGICAL SOCIETY**

c/o London Museum of Archaeology
1600 Attawandaron Road, London, ON N6G 3M6



October 2004

04-6

Our next speak is S. Brooke Milne, a post-doctoral fellow at the University of Western Ontario. Her presentation is entitled "*Why Go Inland? Investigating the Importance of Inland Pre-Dorset Occupations on Southern Baffin Island*". Come and join us Thursday November 11th!

The meeting will be held at 8 pm at the London Museum of Archaeology, 1600 Attawandaron Road, near the corner of Wonderland & Fanshawe Park Road, in the northwest part of the city.

Chapter Executive

ANNUAL RATES

Student	\$15.00
Individual	\$18.00
Institutional	\$21.00
Subscriber	\$20.00

President

Nancy Van Sas (473-1360)
1600 Attawandaron Rd, London N6G 3M6
nvansas@uwo.ca

Editors

Christopher Ellis (858-9852)
cjellis@uwo.ca
Christine Dodd (434-8853)
dpoulton@webgate.net

Secretary

Lorelyn Giese (495-9695)
19 Saunby, London N6G 1B6

Vice-President

Paul O'Neal (472-8100)
1615 North Routledge Park, Unit 5,
London, N6H 5L6
mayerheritage@bellnet.ca

Treasurer

Jim Keron (285-2379)
R.R. #@ Thamesford N0M 2M0
jkeron@alumni.uwaterloo.ca

Directors

D'arcy Fallon
32 Pleasant Ave., Delaware, ON N0L 1E0
Steve Timmermans (519-875-1072)
Stimmermans@bsc-eoc.org

PLOTTING TO RE-PLOT THE PLOTS: BRINGING BACK PIONEER CEMETERIES FROM THEIR RECENT PAST

Neal Ferris

INTRODUCTION

In my capacity as a regional archaeologist for southwestern Ontario for the Ministry of Culture, I end up being involved with a wide range of archaeological related activities, and get to see an interesting array of intersections between the archaeological day to day I am a part of, and people from the wider society we all belong to. Typically this includes explaining to developers or municipal staff why it is that archaeology exists in southwestern Ontario, why it is that this stuff is something of importance to our society today, and why it is that simply bulldozing a site into a big pile, for an archaeologist to sift through at a later date, may not be the best method of documentation for that particular site. I also spend a lot of time explaining to members of the public why an archaeological site is NOT present on a development they are objecting to, why a site ON a development property will not preclude development from happening (provided it is first excavated by a consultant archaeologist), or why not every archaeological site is a burial ground, and why every bump on the ground is not a burial mound (Celtic or otherwise).

But in that spectrum of the ridiculous to the sublime, no intersections, in my experience, are more poignant than when dealing with places and localities where someone's ancestors are buried. Values and attitudes may differ, motivations over how to deal with such discoveries may conflict, but there is no denying the visceral emotional response to the dead, and strong and genuine concern and respect people have for the deceased – whether by leaving them alone, finding a safe new place of interment for them, or carefully studying their bones to allow the ancestors to speak.

Of course, there is a very significant and complex series of contemporary issues that get wrapped up in attending to the re-discovered, from multiple laws and regulations, to negotiating starkly contrasting views to come a point where some resolution can be reached. And notwithstanding genuine efforts on all sides to reach resolution, I can certainly think of many instances where resolution took years to be achieved, or have yet to be found. And we all are aware of examples where less than genuine effort over issues of burials has birthed conflict and worse. But, in the main, my experience has been that beneath the personal concerns people have and end results they want achieved after being told by an archaeologist that someone's ancestor have been uncovered, there is real concern that the "right" thing happen.

And I find that this is true, whether the individuals uncovered walked the earth a millennia ago, or only a few decades ago. Of course, we are all aware of the concerns First Nation band councils, elders, traditionalists and members of communities have expressed when burials have been encountered on a pre or post contact Aboriginal site. Even the possibility of finding such burials can greatly influence archaeological investigations. As well, similar levels of concern are also encountered when dealing with the descendants of Euro-Canadian pioneers who, for

whatever reasons, find the burial grounds of their ancestors have been lost, at least officially. Moreover, their determination to ensure that their ancestors are re-located, and cemeteries protected once again and for always, is as intense as that experienced for any other burial finding seen in the province.

For the remainder of this paper I want to talk about a couple of experiences I was involved in with descendants of Euro-Canadian pioneers, settlers and members of Upper Canada and Ontario's earlier history (Figure 1). Both instances were very similar, though wide apart geographically, in that family plots, which had been well documented up to late 19th or early part of the 20th century, eventually disappeared from the rural landscape of the later 20th century. They were undetectable localities in wider plots of corn and beans or wheat, headstones long since hauled away or tossed into nearby creeks or rivers. Despite this, family descendants (usually only a handful of individuals mindful of their genealogy and local history), compiled historical records, interviewed members of the family and neighbours who recalled the cemetery before it had disappeared, examined aerial photographs, maps, newspaper articles, and land registry records, talked to landowners and government officials, and generally continued to insist a cemetery existed in a place that visibly could not be distinguished from any other spot in a farmer's field. These two examples I review below followed remarkably similar paths, and, eventually, were resolved by relatively straightforward and efficient archaeological procedures. As case studies, they offer a number of lessons, and cautionary tales, about how archaeologists, and communities more generally, need to be more mindful of the important role those who speak for their ancestors can play in caring for those who came before.

AUGUSTINE PIONEER CEMETERY, KINGSVILLE, ESSEX COUNTY

In the late 1990's I became aware of discussions taking place between the Cemeteries Registrar of the Ministry of Consumer and Commercial Relations (Gary DeMers), Mr. Dominic Amicone of Goldleaf Developments, and Mr. Ken Turner of Kingsville. These discussions centred on the assertions of Mr. Turner, as well as other relatives and friends, that a former family cemetery existed within a cornfield at the north end of Kingsville, and on property owned by Goldleaf and slated for a soon to be realised housing development.

Now, as it turned out, these assertions were nothing new. Members of the family had previously claimed the former landowner had removed fencing and headstones, and had simply ploughed up the area and incorporated it into his larger agricultural field. While the landowner had denied this to be the case, in the 1980's the provincial office of Cemeteries felt the concerns, and supporting historical evidence, were convincing enough that the province agreed to have a consultant archaeologist go out there and monitor some topsoil stripping, to see if the cemetery could be relocated.

So it came to pass that in 1988 a consultant from London went out, and met with the regional cemeteries inspector (back in the days when there were such things). A number of exploratory trenches were opened up in an area reputed to be the cemetery location. However, the archaeologist saw no human remains or grave shafts, and it was concluded that there was no cemetery present, or had been relocated at some unknown, earlier date.

These findings did not satisfy the family descendants, who maintained that the archaeologist did not investigate the proper locale. Certainly it is true that, without pinpoint accuracy, a pioneer cemetery is a very easy thing to miss. But the descendants were also critical because they were not consulted in determining where to place those test trenches. That decision was based on maps and photos only, while some family members and friends old enough to remember the cemetery claimed it was situated about 50-100m south of where the test trenches were excavated. So it remained the family's view that the 1988 exercise was flawed, and that the cemetery was still present on this property.

Nonetheless, the results of the 1988 work were enough to make government officials satisfied that the matter was resolved. And so the matter sat dormant for a decade.

But the family's concerns did not go away. In the 1990's Ken Turner in particular continued on pursuing historical research and interviewing people who hadn't been spoken to previously. As well, the landowner sold off the south portion of his field, which eventually was proposed for housing development, in the minds of the family underscoring the urgency to resolving the matter. Mr. Turner raised concerns with the local municipality and new landowner, and they all in turn sought direction from the Cemeteries Registrar. The family was also able to have their concerns aired in the local media, which resulted in more discussions between all parties and the Cemeteries Registrar, who eventually called my office for archaeological advice.

Following a number of phone discussions with the Register and landowner, it was decided that I would meet with the family to review the matter. So, in November of 1997 and at the bequest of Cemeteries Registrar, I went to Kingsville to meet with the family, who were acting as representatives of the deceased. We met at Mr. Turner's home, and he and other family members showed me a number of historical documents and indicated why they thought the 1988 investigation missed the cemetery itself. After that discussion, we all took a trip out to the property itself, and the family led me to an area in the field that they felt most likely represented the location of the cemetery, based on people recalling walking up to the cemetery from the nearby creek as children, based on aerial photos and maps, and based on local topography. In discussions at the site, I was able to confirm that the family wanted to see new exploratory trenching for this area specifically, to try and locate the cemetery.

I took the results of that meeting to the Cemeteries Registrar and landowner. After further discussions about the matter, everyone agreed that it would be good to undertake this investigation, with topsoil stripping of the area the family insisted was the cemetery location monitored by an archaeologist.

Goldleaf developments agreed to provide the heavy machinery for the investigation (excavator with access to a straight-edged bucket). Given the unusual circumstances of the situation, the previous failed archaeological investigations, media attention, and the direct request for assistance made by the Cemeteries Registrar to the Ministry of Culture, it was agreed that I would provide the field direction for monitoring this effort. This would consist of accomplishing the following specific tasks:

- Direct the placement and excavation of trenches, in consultation with family members;
- Check exposed sub-surface for possible grave shafts;
- Open one shaft, if found, to confirm human remains;
- Provide preliminary recording of findings adequate enough for the Cemeteries Registrar to define the extent of any possible cemetery, if evidence of a cemetery was found.



Figure 1: Locations of the Augustine Cemetery, Kingsville (A) and the Young Tract Cemetery, Indiana (B).

It was agreed that two iron bars that had been placed in the field, defining the northern limit of the development property, would be used as the fixed datum from which basic field recordings would be tied to for the purpose of defining cemetery extent. The landowner's representative indicated these bars had already been surveyed into the development plan for their property.

Trench Monitoring

On the morning of Friday, December 4th, I met with Mr. Turner and other members of the family, and Mr. Ed Milkie of Goldleaf developments and other representatives of the proponent at the site. I was very ably assisted by Mr. Keith Henderson, a Kent County avocational archaeologist.

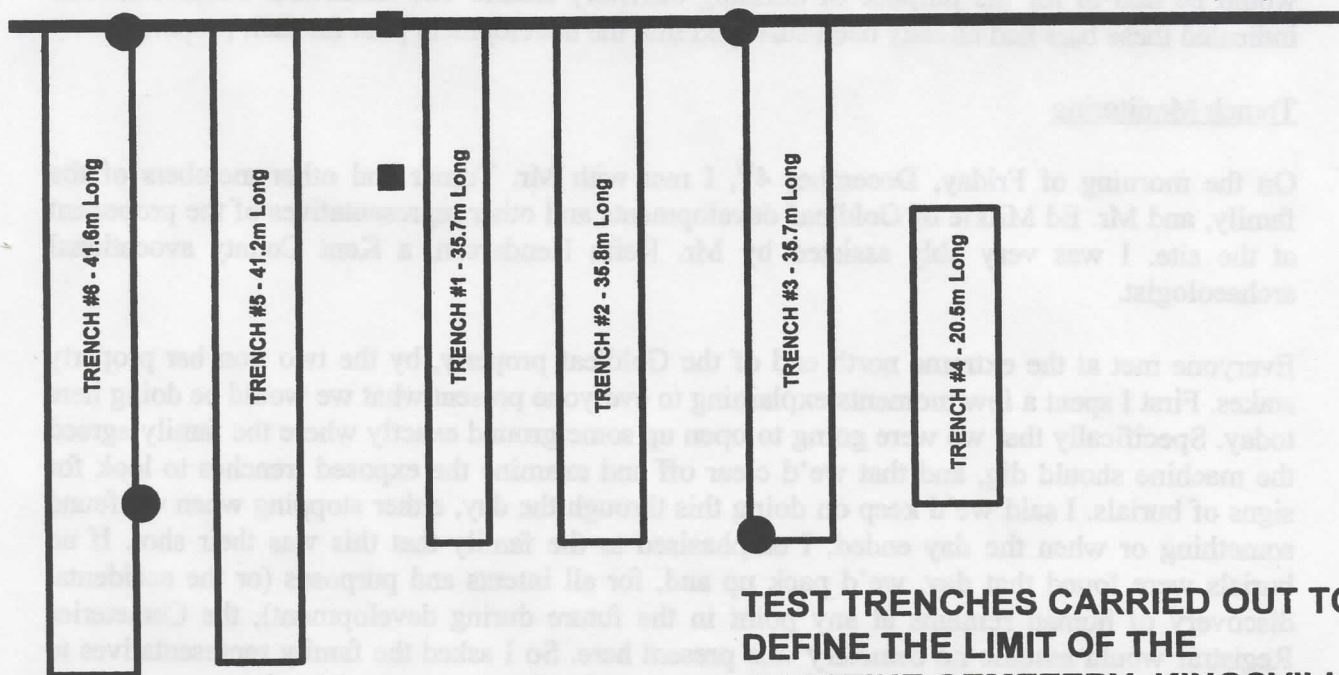
Everyone met at the extreme north end of the Goldleaf property, by the two iron bar property stakes. First I spent a few moments explaining to everyone present what we would be doing here today. Specifically that we were going to open up some ground exactly where the family agreed the machine should dig, and that we'd clear off and examine the exposed trenches to look for signs of burials. I said we'd keep on doing this through the day, either stopping when we found something or when the day ended. I emphasised to the family that this was their shot. If no burials were found that day, we'd pack up and, for all intents and purposes (or the accidental discovery of human remains at any point in the future during development), the Cemeteries Registrar would assume no cemetery was present here. So I asked the family representatives to take a few moments and talk among themselves and then let me know where they wanted to see the excavator begin.

At that time Mr. Turner requested that we examine the area immediately south of the bars as the likeliest location for containing the family cemetery. I pointed out that this area was approximately 50 metres west of where the family had decided in November the cemetery was. However, Mr. Turner was quite adamant so in respect of the family's wishes we began trenching in this new area, with the understanding that we could shift back to the second locale if we were unsuccessful.

It was agreed that a single, initial trench would be dug south from the northern property limit, beginning 1.1 metres east of the two property bars (Figure 2). A toothed bucket was used at this time (approximately 110 cm wide), and the operator was directed to cut a trench approximately 1 metre deep, in order to observe possible feature profiles. The soil here was rather sandy/silty, so the trenching proceeded at a quick pace, and I stood next to the expanding trench to watch what the bucket was uncovering, while Keith began shovel shining the opened portion of the trench.

At approximately 16.10 metres south of the start of the trench, a shallow feature was profiled in the east wall (Figure 3). The fill of this feature consisted of light coloured topsoil, the profile was basin shaped, and feature edge was quite distinct, suggesting it was relatively recent in nature. I noted immediately a thin layer of bone in the bottom of the exposed profile, and trowelled the face of the profile. A small bone fragment was dislodged, clearly a digit from a human hand. As soon as that discovery was made I ordered the excavator to stop and informed everyone present that I had observed something that required a closer look.

Northern Property Line



TEST TRENCHES CARRIED OUT TO DEFINE THE LIMIT OF THE AUGUSTINE CEMETERY, KINGSVILLE

See text of report for locational and size measurements

● Corner Markers Defining Limit of Augustine Cemetery

■ Iron Bar Property Markers

(note: the southerly of the two bars is 12.27 metres south of the northerly iron bar)

Figure 2: Test Trench Investigations at the Augustine Cemetery

Because of the deep trenching, the feature was a profile in the trench wall. The profile revealed a feature with a "shadow" grave shaft, more subtle than sharp relief to the surrounding subsoil. In profile, the feature extended 37 cm deep below the topsoil-subsoil interface (topsoil was 29 cm deep in this area – which was fairly consistent with the general 30 cm depth noted in all trenches). The feature was also 50 cm long in profile. The human bone was a thin, 8 cm layer near the bottom of the feature.

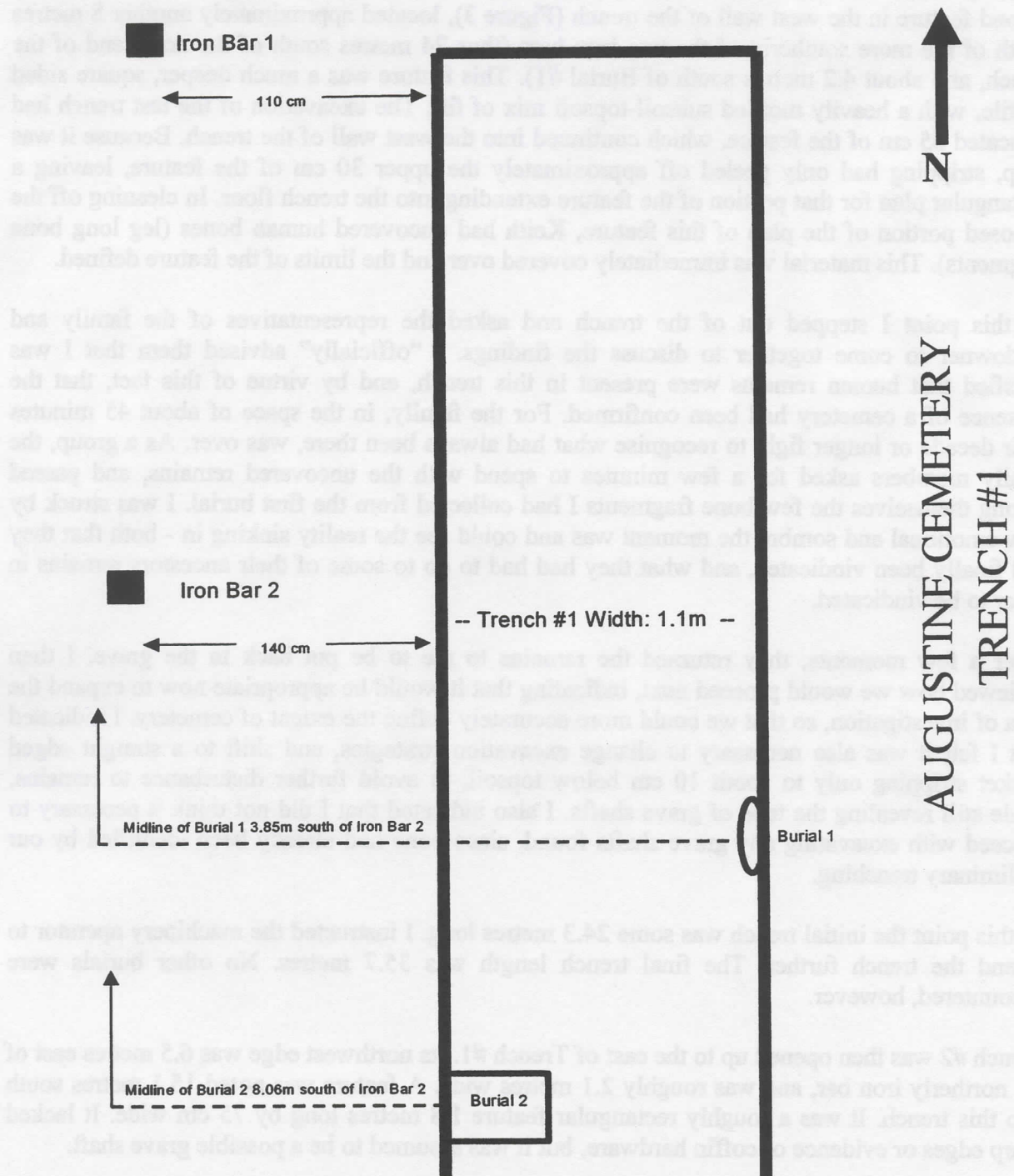


Figure 3: Trench 1, Augustine Cemetery

While I recorded this information, Keith Henderson cleaned up more of the exposed trench closer to where this one feature was found. Within a few minutes, he brought to my attention a second feature in the west wall of the trench (Figure 3), located approximately another 8 metres south of the more southerly of the two iron bars (thus 24 metres south of the north end of the trench, and about 4.2 metres south of Burial #1). This feature was a much deeper, square sided profile, with a heavily mottled subsoil-topsoil mix of fill. The excavation of the test trench had truncated 65 cm of the feature, which continued into the west wall of the trench. Because it was deep, stripping had only peeled off approximately the upper 30 cm of the feature, leaving a rectangular plan for that portion of the feature extending into the trench floor. In cleaning off the exposed portion of the plan of this feature, Keith had uncovered human bones (leg long bone fragments). This material was immediately covered over and the limits of the feature defined.

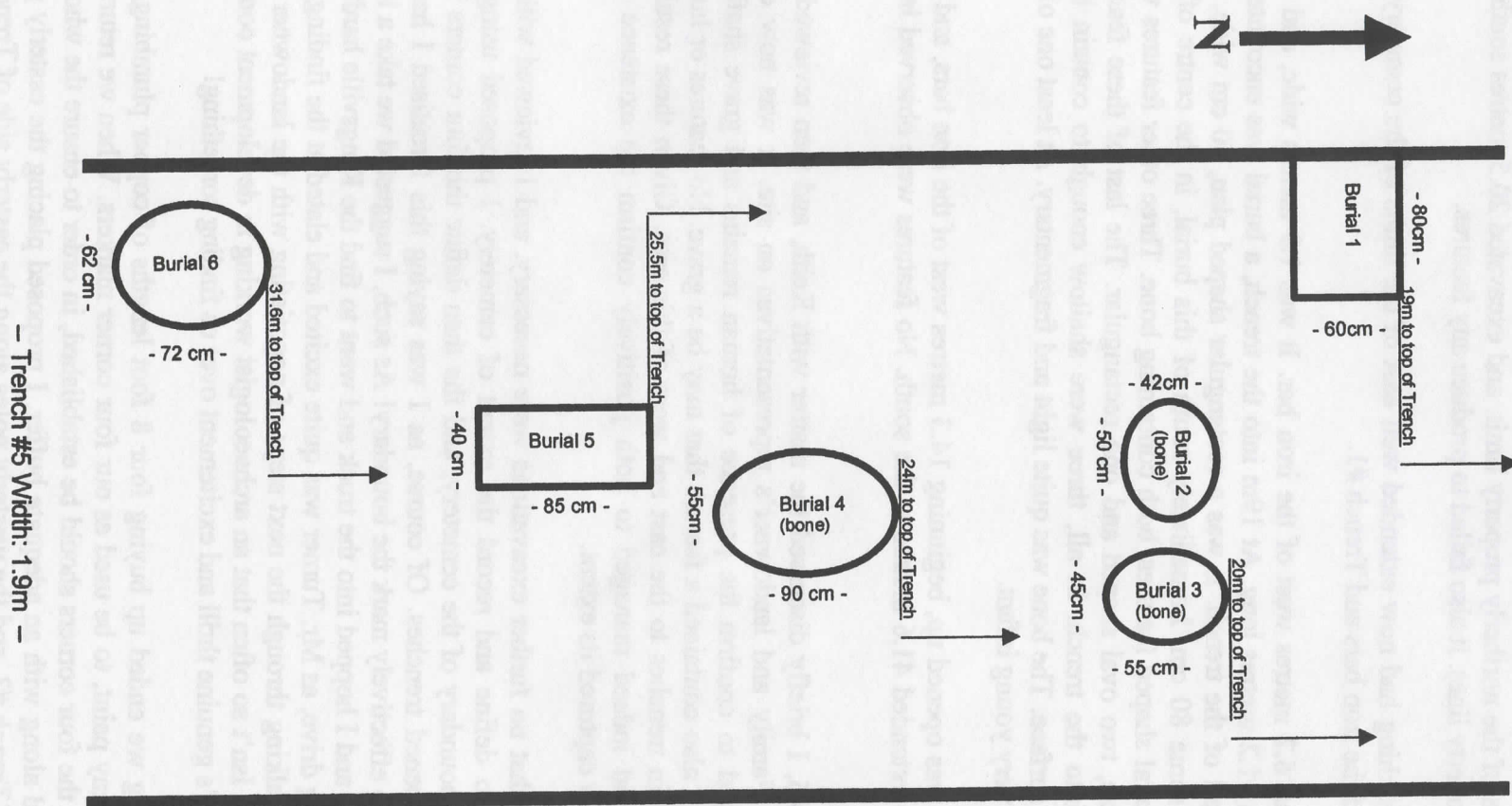
At this point I stepped out of the trench and asked the representatives of the family and landowner to come together to discuss the findings. I "officially" advised them that I was satisfied that human remains were present in this trench, and by virtue of this fact, that the presence of a cemetery had been confirmed. For the family, in the space of about 45 minutes their decade or longer fight to recognise what had always been there, was over. As a group, the family members asked for a few minutes to spend with the uncovered remains, and passed among themselves the few bone fragments I had collected from the first burial. I was struck by how emotional and sombre the moment was and could see the reality sinking in - both that they had finally been vindicated, and what they had had to do to some of their ancestors remains in order to be vindicated.

After a few moments, they returned the remains to me to be put back in the grave. I then reviewed how we would proceed next, indicating that it would be appropriate now to expand the area of investigation, so that we could more accurately define the extent of cemetery. I indicated that I felt it was also necessary to change excavation strategies, and shift to a straight edged bucket stripping only to about 10 cm below topsoil, to avoid further disturbance to remains, while still revealing the tops of grave shafts. I also indicated that I did not think it necessary to proceed with excavating any grave shafts found, since bone had already been identified by our preliminary trenching.

At this point the initial trench was some 24.3 metres long. I instructed the machinery operator to extend the trench further. The final trench length was 35.7 metres. No other burials were encountered, however.

Trench #2 was then opened up to the east of Trench #1. Its northwest edge was 6.5 metres east of the northerly iron bar, and was roughly 2.1 metres wide. A feature was noted 15.1 metres south into this trench. It was a roughly rectangular feature 1.8 metres long by 75 cm wide. It lacked sharp edges or evidence of coffin hardware, but it was assumed to be a possible grave shaft.

Trench #3 began 13.9 metres east of the northerly iron bar, and was roughly 2.10 metres wide. The trench was excavated 35.7 metres to the south. Nothing was found in the trench.



AUGUSTINE CEMETERY TRENCH #5

Figure 4: Trench 5, Augustine Cemetery

Trench #4 began 23.9 metres east of the northerly iron bar and was 2.1 metres wide. The trench was started 14 metres south of the northerly property limit, and excavated 20.5 metres south (or 34.5 metres south of the property line). It also failed to produce any features.

At this point it was felt trenching had now extended well east of the limits of the cemetery, so efforts shifted to the west of the iron bars and Trench #1.

Trench #5 (Figure 4) began 6.2 metres west of the iron bar. It was 1.9 metres wide, and was ultimately excavated south 41.2 metres long. At 19m into the trench, a burial was encountered, extending into the west wall of the trench. It was a rectangular shaped plan, 60 cm wide, and extending into the trench some 80 cm. Immediately south of this burial, in the centre of the trench, were two smaller, oval shaped features, both containing bone. Three other features were also found of a similar size, two oval shaped and one rectangular. The last of these features appeared at 31.6 metres into the trench. In all, three were shallow enough to contain bone fragments at their exposed surface. The bone was quite light and fragmentary. At least one of the burials appeared to be of a very young infant.

Following this, Trench #6 was opened up, beginning 14.3 metres west of the iron bars, and was 1.9 metres wide. This was extended 41.6 metres to the south. No features were observed in the trench.

After completing Trench #6, I briefly discussed the matter with Keith, and then reviewed our findings to date with the Family and landowner's representatives on site. It was now early afternoon. We had managed to confirm the presence of human remains and grave shafts in Trenches 1 and 5. Trench 2 also contained a feature that may be a grave. No features or human remains were encountered in trenches to the east and west of this area. Given these results, I indicated that I felt we had indeed managed to both positively confirm the existence of a cemetery, and had now fully captured its extent.

Based on this, I proposed that no further excavations were necessary, and I reviewed with the representatives how best to define and record the extent of cemetery. I proposed using the property line as the north boundary of the cemetery, and then define the four corners from there along the edge of opened trenches. Of course, as I was saying this I realised I had no appropriate corner stakes to effectively mark the boundary! As such, I suggested we take a lunch break, and then Mr. Turner and I hopped into the truck and went to find the Kingsville hardware store. It was an entertaining drive, as Mr. Turner was quite excited and elated at the finding, and was already thinking and talking through the next steps of negotiating with the landowner how best to preserve the area. It isn't so often that an archaeologist working in development contexts is exposed to someone else's genuine thrill and excitement over us finding something!

In a feat of lateral thinking we ended up buying four 8 foot lengths of copper plumbing, and some flagging tape and spray paint, to be used as our four corner markers. When we returned I reviewed where I thought the four corners should be established, in order to ensure the whole of the cemetery was captured along with an adequate buffer. I proposed placing the easterly poles along the westerly side of Trench #3, and the westerly poles along the easterly side of Trench #6 (Figure 2). The landowner's representative expressed the desire that we keep the southerly extent

of the cemetery to less than 40 metres, due to development plans. The family indicated they were comfortable with accommodating this request, as the most southerly burial encountered was less than 32 metres south of the property line. As such, all parties agreed to the field-defined extent of cemetery.

The north-westerly corner pole was placed along the northern property limit on the easterly edge of Trench #6, 14.3 metres west of the northerly of the two iron bars, hammered into the ground until four feet remained above ground, then sprayed and flagged. The south-westerly pole was placed at the easterly edge of Trench #6, 33.4 metres south of the north-westerly pole. The north-easterly pole was placed along the northern property limit on the westerly edge of Trench #3, 13.9 metres east of the northerly of the two iron bars. The south-easterly pole was placed at the westerly edge of Trench #3, 35.7 metres south of the north-easterly pole.

In speaking to the landowner's representative, I recommended they immediately survey in these four corners accurately to define extent of cemetery. It was my understanding that the family and landowner were in agreement that this staked area would then be registered as a cemetery, and the area maintained as a green space in the larger housing development planned for the property.

These findings were subsequently reported to the Cemeteries Registrar, thus concluding my role in the matter. Subsequently, though it took a few years of sorting through who was responsible for what, a small parkette was created within the housing development, encompassing the defined cemetery extent. My understanding is that there is a small memorial, was an informal ceremony in dedicating the park, and that the family is much relieved at the final outcome in Kingsville.

YOUNG TRACT CEMETERY, NEAR INDIANA, HALDIMAND COUNTY

Through all the years that family descendants of the Augustine cemetery ancestors fought for their family cemetery to be recovered, and for many years before, a similar fight was occurring along the lower Grand River over a reputed family cemetery located on the floodplain of the Grand River, between Caledonia and Cayuga, that was said to have vanished from the landscape sometime in the mid 20th century, although had been active up to the first decade or so of the 20th century.

Known as the Young Tract cemetery, this locale was in operation for close to a hundred years, and included the remains of the original family members to settle in this part of the world and their descendants. In the 20th century the family plot was not kept up, and, according to family members, eventually led to the landowner at the time tearing down the headstones and depositing them into the cellar of an abandoned farmstead near the cemetery location. This individual sold the land in 1983. Subsequent family research into land title information revealed that the land transfer instrument for the 1983 sale actually refers to "...an old cemetery of about one-quarter of an acre in area, located within the limits of the John Young Tract in PART THREE on the said Reference Plan." Family members complained to the new landowner not to plough over their family cemetery. One of the representatives for the family, David Faux, who now resides in California but in the early 1980's was an active historical and genealogical researcher and

avocational archaeologist living in near Hagersville, repeatedly tried to get government officials to re-recognise the cemetery, and to get the landowner to stop disturbing the locale. In the mid 1990's he solicited help from the CTV news segment *Goldhawk Fights Back*, which was a sort of confrontational investigative reporter/ombudsman bit where the reporter (Goldhawk) took on impenetrable bureaucracy and red tape. This media attention led to meetings with the municipality and landowner, which in the end led to various informal arrangements and commitments, including a promise not to plough. But it did not resolve the matter.

Nonetheless the descendants continued their fight, and annual family reunions to the area often revisited what could be done about the cemetery. Eventually, the County of Haldimand acknowledged that there was a good case to the claim of a cemetery being in this field, which ultimately led to a cemetery memorial being built by the side of the road (Hwy 54) overlooking the field.

In 2001 David Faux phoned the London archaeology office wondering what he could do to have the Young Tract cemetery formally recognised and restored. In that "switching station" role this office plays so often, I passed along the cemeteries registrar's number to David, and also mentioned my own past experiences over the Augustine cemetery. David eventually connected with both the Cemeteries Registrar (now Michael D'Mello) and Ken Turner, who had become something of a pioneer cemetery preservationist and activist. Various discussions ensued, with the Cemeteries Registrar agreeing that, should the landowner and the Ministry of Culture agree, a similar investigation could occur to try and find this cemetery. As I had previously agreed to assisting, in response to the *Goldhawk* queries from the mid 1990's, it was not going to be a problem getting us to assist in a manner similar to what we had done for the Augustine cemetery.

Eventually, the current landowner, Mr. Timmerman, also agreed that this investigation should happen. Heavy machinery and operator was provided by the County of Haldimand Cemeteries department, who's staff had come to be sympathetic to the aims of the family, and convinced of the accuracy of their claim. In anticipation of having to determine exactly where to dig, family members conducted a more thorough blitz of historical records, and interviewed family and neighbours who recalled various past experiences seeing the cemetery or finding human bone in the area of this cemetery (Figure 5).

Finally, after various logistical delays, on Friday, October 17, 2003 I met with George Barnes, Haldimand cemeteries administrator, and representatives of the Young-Nelles family including Tom Nelson and Ken Young (David Faux could not attend from California). I was greatly aided by John MacDonald, my office mate at the Ministry. We met at the site of the cemetery memorial, then in a convoy of vehicles, worked our way down to the site of the cemetery.

Eventually, I found myself standing at the northerly tip of a large ridge sitting on extensive river flats immediately east of the Grand River. Once all family members had assembled there, and while we waited for the backhoe to get down to the site, I explained to them the aims of the day's study, and that they needed to discuss among themselves where they felt it would be best to begin field explorations. I explained that I was going to follow the direction they gave me, and that this would be their shot at confirming the cemeteries existence, and I made sure they understood what that would mean if, at the end of the day nothing was found.

There was very little discussion, beyond a couple of stories recounting chasing foxes into holes only to find bones. It was apparent that it had been a long held view that the highest point of land at the northern tip of this ridge was the likely location of the cemetery. This view was underscored by Mr. Nelson's calculations on a lot map accurately placing the site at this northern tip. It was also bolstered by the very tangible fact that a fragment of a marble grave plot corner-marker was immediately discovered on the surface in this area. Meanwhile John had also located the former farmstead and now archaeological site, exactly where it should have been based on historical descriptions of the distance between the house and cemetery.

Based on this evidence and family consensus, I proposed opening a trench oriented east-west, beginning slightly downslope on the east side of the ridge and then going across it to the westerly downslope, about 10 metres south of the start of the northerly downslope. There was general agreement that this would be appropriate. If necessary, a second trench would then be opened about 5 metres to the north, since some family members felt that would be more central to where they felt the cemetery was.

The opening of the first trench started at the height of land, and was intended to go both east and west to downslopes. Excavations revealed past heavy soil deflation, meaning that topsoil was very thin (10-15 cm) at this location. Almost immediately, and within the first 5 metres of excavation on the northern edge of the trench, two soil discolourations were noted, and another three were also noticeable soon after. Orderly trenching was curtailed and we had the machine operator expose more of the subsoil around these discolourations. While they at first were rather indistinct, as more stripping of soil occurred, the stains began to take shape as large rectangular features, generally oriented east-west, and exhibiting clearly defined edges and squared corners. In one, five long machine cut nails (8 cm), typical of the mid to late 19th century, were found along the west and south edge of the feature. Trenching was stopped and the more easterly of these apparent cultural features was fully exposed and cleaned off by John and myself. It measured approximately 260 cm long and 80 cm wide. Soil within this feature was heavily mottled topsoil and subsoil, and contained fragments of small to medium sized mammal (fox?) bones.

This feature seemed a convincing candidate to be a grave, so it was decided to open one end of the feature to determine if human remains were present. I explained that the westerly first 25-35 cm of the feature would be excavated to see if we could find human remains. You see I cleverly recalled that Christian burials are laid out east-west, so that the deceased would rise to the second coming on judgement day. I thought it would be wiser to dig up the portion of the grave where we would likely encounter feet. NOT so cleverly, I got my east-west/west-east mixed up. So, while Mr. Nelson captured everything on video, I dug down the top (not bottom) portion of the feature, which revealed it to be a clearly defined and straight-sided shaft in profile. Approximately 50-70 cm below the exposed surface of this feature, and much to my dismay, my shovel encountered human cranium, a fragment of which flipped over a couple of times as I withdrew my shovel. Clearly I had hit an intact skull. Though the light soil quickly backfilled the area I had been digging, covering the fragment, I had had enough investigating to know what I had just did – and seen.

After regaining my composure and cursing my stupidity, I was able to inform the assembled family watching that the primary goal of the investigation had been achieved. This feature contained intentionally interred human remains, and as such, the location was clearly an unapproved cemetery under the definition within the Cemeteries Act. The second cultural feature immediately to the west of the first feature and oriented east-west was thus also assumed to be a grave.

As the presence of human remains had been confirmed, I felt it no longer necessary to continue to disturb the resting place of the individual interred in the grave we investigated, and had the excavated portion of the grave refilled. I informed the family members of what we had discovered, and advised them that their long held belief that the cemetery was at this location had been formally confirmed. What Mr. Faux had indicated was a 28 year fight to recognise this place as a cemetery had ended within a half hour of the start of the excavations.

At that point I reviewed with Mr. Young and Mr. Nelson the historical data the family had provided me about the cemetery, and discussed with them the best way to proceed. This data, and family oral history, had been extremely accurate in pinpointing the cemetery. The land records also clearly indicated the cemetery was about a 1/4 acre in size, or 100 feet by 100 feet. Rather than continuing to open up large portions of the core of the cemetery, I proposed that we use the location of the confirmed grave – which clearly was within the cemetery – and measure off from there 100 feet in each of the four cardinal directions. Those points would then be squared, providing a 200x200 foot area that would obviously encompass the cemetery as well as a wide buffer. This approach would also have the benefit of minimising any further disturbances to graves.

So we stopped our first “trench,” which ended up to be no more than a 4 x 6 metre opened area. Measurements were then taken, oriented to the alignment of the two grave shafts uncovered, and stakes placed at appropriate locations. In so doing, it was realised that going a full 100 feet north and east would encompass an area well downslope from the ridge, and thus away from any interments. As such the area of extent of cemetery to the north and east was reduced to reflect topographic constraints.

Once the family members established to their satisfaction the four corners that would define the area of the cemetery, they requested that additional exploratory trenches be opened up immediately inside or outside the defined cemetery boundary to confirm no graves were present on the periphery. I then had the backhoe operator open five additional trenches. Trench lengths were between 15 and 25 metres in length. They were placed two on each side of the east and west boundaries (one inside the new boundary and one outside, with three oriented north south and one on the west side oriented east west), and another was placed inside the south boundary, oriented east west. All were absent any cultural features or other evidence of past disturbance. Each was reviewed with the family members, to confirm that we had opened enough area, who then either instructed us to extend the trench, or backfill it.

At this point a representative from the landowner arrived, and had a discussion with family members. While I was not part of those discussions, my understanding was that the family

representatives showed this person the corners of the proposed limits of the cemetery, and he indicated that was going to be acceptable.

Once the extent of the cemetery was staked (the County had brought along stakes for the purpose) we convoyed out to the road. Family members, through the County, made arrangements for a surveyor to record in the four corners of the proposed cemetery, and this information was subsequently forwarded to the Cemeteries Registrar. Remaining disposition matters, such as access and care, were subsequently worked out between the landowner, family and County. The ultimate aim, as I understand it, is to formally re-establish the cemetery on title, and for the landowner to ensure this roughly half acre of the cultivated field be avoided from further cultivation.

COMMENTS

I'm not an osteologist, and so travelled with my much-thumbed Anderson field guide to these locales. But then the job was not to identify human remains, just confirm their presence. Moreover, I don't want to pretend that I was doing any kind of rigorous archaeological fieldwork in either situation. Certainly that was not the intent of either investigation. Rather, I was facilitating an investigative role for the Cemeteries Registrar, a role enhanced by my archaeological experience. The real aim of both investigations was to give the families one chance, and one chance only, to substantiate their long held claims that cemeteries were present. The real value of archaeology was clearly and quickly demonstrated in both instances to help resolve what were long, emotional, and frustrating battles for the families, who had struggled for a long time to try and get someone to acknowledge the truth that they knew – i.e., that these cemeteries had not got up and walked away, and that they needed to be recovered and restored so that family concerns for their ancestors – their obligations to the family writ large as someone suggested – could be satisfied.

The frustrations these families went through in having their concerns acted on are not uncommon, as any First Nation or local heritage advocate could tell you. The problem, of course, is that the unmarked burial site provisions of the Cemeteries Act make it very difficult to advance an investigation on behalf of the Cemeteries Register in the absence of uncovered human remains. Extensive documentary evidence, oral histories, photos, etc, are not, generally speaking, enough to confirm an unmarked burial site location – human remains must be found at that location. Even with the overwhelming evidence compiled in both cases, and Mr. Nelson's fully accurate calculation of the location of the cemetery, in the absence of actual human remains, the Registrar can't compel a landowner to undertake an investigation.

This is a problem that can be addressed tangentially, however, through independent historical research, identified of likely cemetery plots, and active encouragement of local municipalities to acknowledge these locales to ensure their protection, or to re-establish the locales as cemeteries. Certainly in the Young Tract case, the family's constant expression of concerns to the local municipality, and strategic use of media, both helped convince the municipality of their cause (ultimately leading to the memorial being established), and certainly made the landowner eventually willing to co-operate in relocating and restoring the cemetery. And I know this has the

potential to work, because Ken Turner has taken all the experience and lobbying skills he developed fighting for the Augustine cemetery and is now the president of the Essex County Historical Cemeteries Preservation Society, and is regularly hounding municipal politicians and officials to address and protect various pioneer cemeteries.

But while I am sympathetic to the need to better care for those places where our ancestors, collectively, rest, for me, my involvement in both this cases and the lessons taught proved more poignant. Though brought on by years of frustrating head banging, there was real relief shown by all parties when archaeology was accepted as being the critical aid to finally resolving these disputes. And, until the day comes when we can all “virtually” excavate sites with high tech, non-invasive ground penetrating radar of one kind or another, monitoring topsoil stripping is the only effective way of accurately confirming the presence of a cemetery. It also was certainly an impressive display when, in both instances, the cemeteries were confirmed in less than an hour’s exploration, triggering a palpable change among the assembled family members watching the work from anxiety to elation. Seeing archaeology translated for the non-archaeologist into this tangible resolution – and tangible remains – of the resting place for family extending back generations, was not an unpleasant experience to be a part of. I am not often involved in such efficient and unequivocal resolutions, so the outcomes, and gratitude from all people involved, were important reminders of the important and unique role archaeology can play in our society beyond just that of culture history.

And significantly, in both cases the full participation of the family members in all the field decisions were critical, both in ensuring their acceptance of the results regardless of outcome, and also, as it turned out, in ensuring an accurately and efficient investigation. Their participation in the decision-making made the field archaeology look more efficient than it was. To me, it affirms the importance of working with people who bring decidedly non-archaeological interests and concerns to the table, in ensuring archaeology undertaken to address those interests and concerns serves that wider relevancy, regardless of whether the particular context is related to pioneer or ancient Aboriginal archaeology.

ACKNOWLEDGEMENTS

I’d like to thank Keith Henderson and John MacDonald for helping out so much on those projects, and to the various iterations of Cemeteries Registrar who recognised the utility of this approach to resolving long-standing issues. I also appreciated the enthusiasm and commitment the families showed to their cause, and their welcoming of Keith, John and myself in helping them reach resolution.